

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Mississippi

TRANSFER OF RESOURCES

1902(f) and 1917
of the Act

The agency provides for the denial of eligibility by reason of disposal of resources for less than fair market value.

A. Except as noted below, the criteria for determining the period of ineligibility are the same as criteria specified in section 1613(c) of the Social Security Act (Act).

1. Transfer of resources other than the home of an individual who is an inpatient in a medical institution.

a. ☒ The agency uses a procedure which provides for a total period of ineligibility greater than 24 months for individuals who have transferred resources for less than fair market value when the uncompensated value of disposed of resources exceeds \$12,000. This period bears a reasonable relationship to the uncompensated value of the transfer. The computation of the period and the reasonable relationship of this period to the uncompensated value is described as follows:

NOTE: For Transfers of Resources Occurring Before July 1, 1988

Transfers prior to July 1, 1988, will be reviewed under the SSI policy in effect and approved in our State Plan as of June 30, 1988, with respect to resources disposed of before July 1, 1988. Transfers which took place prior to July 1, 1988, are reconciled with State Plan procedures which provide for penalties for transfers for less than fair market value prior to that date.

TM No. 89-2
Supersedes
TM No. 85-2

Approval Date NOV 12 1988

Effective Date NOV 12 1988

HCFA ID: 4093E/0002P

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

STATE: Mississippi

For Transfers of Resources On or After July 1, 1988

Under Section 303 of the MCCA, our State applies the new transfer of resources rules to any individuals who have transferred resources on or after July 1, 1988 except for interspousal transfers of resources which occur before October 1, 1989.

In determining the number of months of penalty for transfer of resources, the State will use the lesser of 30 months or the total uncompensated value of transferred resources divided by the average cost of care in the community in which the individual resides.

Interspousal Transfer of Resources

The State applies to interspousal transfers the laws and policies which were established as of June 30, 1988, up until and including September 30, 1989 for transfers occurring before October 1, 1989.

TN No. 89-2
Supersedes
TN No.

Approval Date NOV 22 1989

Effective Date APR 01 1989
HCFA ID: 4093E/0002P

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Mississippi

- b. ☒ The period of ineligibility is less than 24 months, as specified below:

- c. ☒ The agency has provisions for waiver of denial of eligibility in any instance where the State determines that a denial would work an undue hardship.

Inability to obtain medical care will be recognized as an undue hardship under the State Plan. Since Medicaid does not make a cash payment, as does SSI, the inability to secure appropriate medical care will constitute the definition of undue hardship for transfers.

TRANSMITTAL 88-9

88-9

85-2

11/21/88

12/1/88

10/1/88

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Mississippi

2. Transfer of the home of an individual who is an inpatient in a medical institution.

☒ A period of ineligibility applies to inpatients in an SNF, ICF or other medical institution as permitted under section 1917(c)(2)(B)(i).

- a. Subject to the exceptions on page 2 of this supplement, an individual is ineligible for 24 months after the date on which he disposed of the home. However, if the uncompensated value of the home is less than the average amount payable under this plan for 24 months of care in an SNF, the period of ineligibility is a shorter time, bearing a reasonable relationship (based on the average amount payable under this plan as medical assistance for care in an SNF) to the uncompensated value of the home as follows:

TN No. 85-2
Supersedes
TN No. _____

Approval Date JUL 19 1985

Effective Date 7/1/85

HCFA ID: 4093E/0002P

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Mississippi

- b. ☒ Subject to the exceptions on page 2 of this supplement, if the uncompensated value of the home is more than the average amount payable under this plan as medical assistance for 24 months of care in an SNF, the period of ineligibility is more than 24 months after the date on which he disposed of the home. The period of ineligibility bears a reasonable relationship (based upon the average amount payable under this plan as medical assistance for care in an SNF) to the uncompensated value of the home as follows:

TN No. 85-2
Supersedes
TN No. _____

Approval Date 7/1/85

Effective Date 7/1/85

HCFA ID: 4093E/0002P

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Mississippi

No individual is ineligible by reason of item
A.2 if--

- i. A satisfactory showing is made to the agency (in accordance with any regulations of the Secretary of Health and Human Services) that the individual can reasonably be expected to be discharged from the medical institution and to return to that home;
- ii. Title to the home was transferred to the individual's spouse or child who is under age 21, or (for States eligible to participate in the State program under title XVI of the Social Security Act) is blind or permanently and totally disabled or (for States not eligible to participate in the State program under title XVI of the Social Security Act) is blind or disabled as defined in section 1614 of the Act;
- iii. A satisfactory showing is made to the agency (in accordance with any regulations of the Secretary of Health and Human Services) that the individual intended to dispose of the home either at fair market value or for other valuable consideration; or
- iv. The agency determines that denial of eligibility would work an undue hardship.

TN No. 85-2

Supersedes

TN No. _____

Approval Date

JUL 11 1985

Effective Date

7/1/85

HCFA ID: 4093E/0002P

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Mississippi

3. 1902(f) States

/ Under the provisions of section 1902(f) of the Social Security Act, the following transfer of resource criteria more restrictive than those established under section 1917(c) of the Act, apply:

B. Other than those procedures specified elsewhere in the supplement, the procedures for implementing denial of eligibility by reason of disposal of resources for less than fair market value are as follows:

1. If the uncompensated value of the transfer is \$12,000 or less:

2. If the uncompensated value of the transfer is more than \$12,000:

TN No. 85-2
Supersedes
TN No. _____

Approval Date 7/1/85

Effective Date 7/1/85

HCFA ID: 4093E/0002P

Revision: HCFA-AT-85-3 (BERC)
FEBRUARY 1985

SUPPLEMENT 9 TO ATTACHMENT 2.6-A
Page 7

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Mississippi

3. If the agency sets a period of ineligibility of less than 24 months and applies it to all transfers of resources (regardless of uncompensated value):

4. Other procedures:

TN No. 85-2

Supersedes

TN No. _____

Approval Date

JUL 17 1985

Effective Date

7/1/85

HCFA ID: 4093E/0002P